

## Plea Agreement Practice

1. You must be aware that if your client reaches a plea agreement with the prosecution the court will, on the record, require a disclosure of the agreement in open court at the time that the plea is offered.
2. Prior to entering the plea you must inform your client If the court rejects a plea agreement of the type specified in subsection (1)(a) or (1)(b), the court shall, on the record, inform the parties of this fact and advise the defendant that the court is not bound by the plea agreement, afford the defendant an opportunity to withdraw the plea, and advise the defendant that if the defendant persists in the guilty or nolo contendere plea, the disposition of the case may be less favorable to the defendant than that contemplated by the plea agreement.
3. You must keep your client advised of developments arising out of plea discussions conducted with the prosecutor.
4. You must promptly communicate and explain to your client all significant plea proposals made by the prosecutor.
5. You must not knowingly make false statements concerning the evidence in the course of plea discussions with the prosecutor.
6. You must not seek concessions favorable to one client by making an agreement which is detrimental to the legitimate interests of another of your clients.
7. If you represent two or more clients in related cases you should not participate in making an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation. Such disclosure must include the existence and nature of all the claims or pleas involved.
8. You must be familiar with the types of pleas that may be agreed to, including binding and non-binding pleas, no lo contendere pleas, and pleas in which the defendant is not required to personally acknowledge his or her guilt. (See, *North Carolina v. Alford*.)
9. You must be inform the client regarding whether the plea is binding on the court, the prison, the department of corrections, or the adult probation and parole authorities.
10. You must ensure that your client understands all rights he or she will be waiving by entering the plea.

11. You must advise your client regarding the possibility of separate prosecutions based upon the same transaction and stemming from the guilty plea without the defense of double jeopardy.